

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

ROBERT HOLDERMAN

Criminal No. 12-844-SAG

*

*

*

* * * * *

**REQUEST FOR POSTPONEMENT
AND WAIVER OF RIGHT TO PRELIMINARY HEARING WITHIN 21 DAYS**

The defendant, Robert Holderman, by and through his attorneys, James Wyda, Federal Public Defender for the District of Maryland, and Brendan Hurson, Assistant Federal Public Defender, hereby waives his right to a preliminary hearing within 21 days and moves pursuant to Fed. R. Crim. P 5.1(d) for a postponement of that hearing.

1. The defendant is charged by criminal complaint with violations of 18 U.S.C. §§922(o) (unlawful transfer of a machine gun) and 26 U.S.C. § 5861(e) (unlawful transfer of a firearm prohibited by the National Firearms Act).

2. On February 21, 2012 the defendant appeared for an initial appearance. On the following date, the defendant was released from custody and was advised of his right to a preliminary hearing within 21 days. See Fed. R. Crim. P 5.1(c). A preliminary hearing was scheduled for March 13, 2012.

3. Under the Federal Rules of Criminal Procedure, “[w]ith the defendant’s consent and upon a showing of good cause . . . a magistrate judge may extend the time limits in Rule 5.1(c) one or more times.” Fed. R. Crim. P. 5.1 (d). The parties believe the interests of justice would be furthered by having additional time to investigate this case and negotiate a potential resolution prior to the preliminary hearing. To that end, the parties are in agreement that a postponement of

the preliminary hearing is appropriate.

4. Understanding his right to a preliminary hearing, Mr. Holderman, through counsel, hereby waives that right, and requests a postponement of the hearing.

5. Assistant United States Attorney Jack Purcell does not oppose this request.

Respectfully submitted,
JAMES WYDA
Federal Public Defender

/s/

BRENDAN A. HURSON (Bar # 28179)
Assistant Federal Public Defender
100 South Charles Street
Tower II, Ninth Floor
Baltimore, Maryland 21201
(410) 962-3962 (p)
(410) 962-0872 (f)
brendan_hurson@fd.org